

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

June 20, 2011

7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Frank Yanish. Members present on a roll call were Mayor Yanish, Council Members Ron Christianson, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 7, Absent 2 - Bruce DeBleck and Doug Reese.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief David Wyffels, Fire Chief Marv Calvin, Public Works Director Holly Wilson, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, and Administrative Assistant Audrey Peterson.

The Council requested that the Accounts Payable Report be removed from the Consent Agenda.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of June 6; Municipal Utilities Commission Minutes of June 6 and 13; Rice Hospital Board Minutes of June 8; and Housing Redevelopment Authority Board Minutes of May 10, 2011. Council Member Fagerlie seconded the motion, which carried.

Following discussion of the certain payments and vendors, the Accounts Payable through June 15, 2011, Council Member Christianson moved to approve the Accounts Payable Report through June 15, 2011. Council Member Fagerlie seconded the motion, which carried.

At 7:04 p.m. Mayor Yanish opened the annual 2011 Storm Water Permit/Pollution Prevention Program hearing. Public Works Director Wilson noted the purpose of the hearing was to raise awareness of the importance of good storm water management and required by the City's Municipal Separate Storm Sewer System (MS4) permit. Ms. Wilson reviewed MS4 accomplishments in 2010, storm water goals for 2011, changes to the MS4 general permit, and the annual report which is due to MPCA by June 30, 2011. An update was given on what the City has accomplished, what the City currently is doing or has done in 2010, and what the plans are in the future. Following questions from the Council, Mayor Yanish closed the hearing at 7:16 p.m.

Mayor Yanish acknowledged John Sullivan who had signed up to address the City Council during its scheduled Open Forum. Mr. Sullivan commented on the proposed Ordinance amending penalty violations and sale of alcoholic beverages, and suggested the Council review its data practices policy.

Finance Director Okins presented to the Mayor and Council the 2010 Finance Department Annual Report. Following a question and answer period, the Report was ordered placed on file in the City Clerk's Office.

The Finance Committee Report for June 13, 2011, was presented to the Mayor and Council by Council Member Anderson. There were eight items for Council consideration.

Item No. 1 MUC General Manager Bruce Gomm informed the Committee that the MUC held a public hearing regarding a two-step proposal to increase electricity rates by 7% each in July, 2011, and January, 2012. Beginning last year there has been a substantial increase in costs of transmission charges through Great River Energy which is a major factor driving the proposed rate increase. Rate

comparisons with other cities were also provided. The Committee was recommending the Council introduce an ordinance amending current electricity rates and to set a public hearing for July 5, 2011. Council Member Anderson moved to approve the recommendation of the Finance Committee, with Council Member Fagerlie seconding the motion, which carried.

Item No. 2 Staff informed the Committee that a donation of \$500 has been received from the Convention and Visitors Bureau to assist with expenses related to Men's Softball and Co-Rec Volleyball Tournaments during Willmar Fest. Staff was requesting the 2011 Leisure Services budget be amended to reflect this increase in revenue.

The Committee was recommending the Council introduce a resolution accepting the donation of \$500 from the Convention and Visitors Bureau and to send a letter of appreciation and to introduce a resolution amending the 2011 Leisure Services budget accordingly.

Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 1

WHEREAS, the City of Willmar has received a donation of \$500.00 from the Willmar Lakes Area Chamber of Commerce to assist with expenses related to the Men's Softball and Co-Recreation Volleyball Tournaments during Willmar Fests;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation from the Willmar Lakes Area Chamber of Commerce and the City Administrator be directed to express the community's appreciation.

Dated this 20th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes to the Leisure Service Departmental Budget within the General Fund:

Increase:	Donation Revenue	\$500.00
Increase:	General Supplies	\$500.00

Dated this 20th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Item No. 3 Staff provided the Committee copies of the State Auditor's letter dated June 1, 2011, notifying cities and counties that they may participate in a Standard Measures Program which could

provide a reimbursement of \$0.14 per capita in local government aid and an exemption from levy limits under Sections 275.70 to 275.74 for taxes payable in 2012. Based on the latest census, Willmar could receive \$2,678.20 for this effort.

Staff also provided the Committee copies of the State's letter dated June 10, 2011, advising Contractors, Vendors and Grantees of the possible State government shutdown as of July 1, 2011. This matter was received for information only.

Item No. 4 The Committee was informed by Staff that an RV dump station is being proposed to be installed at the Kandiyohi County Recycling Center with a preliminary cost estimate of \$14,000. The County has agreed to participate in this venture by providing the area to construct the station. City Attorney Ronning will be drafting a memorandum of understanding or land agreement for this purpose. Funding for this project is proposed to be taken from the 2011 WTP Municipal Collections Capital Expenditures Budget. Originally, \$476,000 was budgeted in 2011 for the Ortenblad/Arby's Lift Station project but those funds are no longer needed as that project has now been included in Project B of the new Waste Treatment Plant.

The Committee was recommending the Council approve the RV dump station project to be installed at the Kandiyohi County Recycling Center and to utilize \$14,000 from the WTP Municipal Collections Capital Expenditures Budget for this project. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes to the Collection Department Budget within the Waste Treatment Fund:

Increase:	\$14,000.00
Decrease:	\$14,000.00

Dated this 20th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Item No. 5 The Committee reviewed with Staff details of the current statutory tort liability limits to the extent of coverage purchased from the League of Minnesota Cities Insurance Trust. A decision must be made annually whether to waive the limits.

If the City does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover in a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. If the City waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

The Committee was recommending the Council not to waive the statutory tort limits at this time. Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 4

WHEREAS, cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of coverage purchased, and

WHEREAS, the City Council has reviewed the various options for monetary limits on municipal tort liability.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

Dated this 20th day of June, 2011.

/s/ Frank Yanish

MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Item No. 6 Staff explained to the Committee that an employee in the Police Department requires a change in health insurance coverage from single to family. As a result, the budget can be amended by decreasing salaries and increasing insurance by \$5,100. The decrease in salaries is possible due to a patrol officer position not being filled.

The Committee was recommending the Council introduce a Resolution amending the Police Department budget as presented. Resolution No. 5 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes to the Police Department Budget within the General Fund:

Increase:	Personnel Services – Insurance	\$5,100.00
Decrease:	Personnel Services – Salaries	\$5,100.00

Dated this 20th day of June, 2011.

/s/ Frank Yanish

MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Item No. 7 The Committee received the May 31, LOST: May 31, CVB: and May 31, 2011 WRAC-8 Reports. This matter was for information only.

Item No. 8 Finance Director Okins reviewed future agenda items with the Committee including Liquor Ordinance, Waste Treatment Rate Discussion, Public Works Reserve Fund, Fund Balance Policy, and Capital Improvement Policy. This matter was for information only.

The Finance Committee Report of June 13, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for June 14, 2011, was presented to the Mayor and Council by Council Member Christianson. There were 14 items for Council consideration.

Item No. 1 Following a meeting with City Clerk Halliday, Council Members Christianson and Anderson reviewed the proposed revisions to the liquor ordinance, specifically in relation to penalties placed on establishments who fail compliance checks. Chair Reese read into record an email from a Willmar resident regarding this issue. The Committee discussed the monetary levels suggested for each violation and removal of the suspension of the establishment's license.

The Committee was recommending the Council introduce an Ordinance Amending Willmar Municipal Code Section 3-10 Establishing Penalties for Violations of State Law and City Ordinances Regulating Sale of Alcoholic Beverages. Council Member Christianson offered a motion to introduce the Ordinance Amending Willmar Municipal Code Section 310 and schedule a hearing on July 5, 2011. Council Member Fagerlie seconded the motion, which carried.

Item No. 2 Public Works Director Wilson presented the Improvement Report for 12th Street SW – Project No. 1112. The area proposed for reconstruction is from Becker Avenue SW to Trott Avenue SW to be funded through PIR and reimbursed in 2012 at an estimated cost of \$112,949.21. The Committee was recommending the Council receive the Preliminary Report for Project No. 1112 and order an Improvement Hearing for July 5, 2011 at 7:05 p.m.

Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 6

RECEIVING PRELIMINARY REPORT AND CALLING PUBLIC HEARING ON STREET IMPROVEMENT PROJECT NO. 1101-12

WHEREAS:

1. The City Council deems it necessary and expedient that the City of Willmar, Minnesota, construct certain improvements to-wit: grading, gravel base, bituminous paving, curb and gutter, turf establishment, sidewalk, tile lines, service lines, storm sewer, and water main, in the City as described in and in accordance with the preliminary plans and report prepared by the City Engineer.

2. The Council has been advised by the City Engineer that said Street Improvement Project No. 1101-12 contained in the Preliminary Report are feasible and should best be made as proposed, and the City Engineer's report to this effect has heretofore been received by the Council, and filed with the Clerk-Treasurer; and

3. The statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof and the area proposed to be assessed, in accordance with the law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. A public hearing will be held at the time and place set forth in the Notice of Hearing hereto attached (on file in the City Clerk's Office) to consider said proposed improvements.

2. The nature of the improvements, the estimated cost of each major portion thereof, and

the areas proposed to be assessed therefore are described in the form of Notice of Hearing hereto attached.

3. The notice of said public hearing shall be in substantially the form contained in the notice hereto attached.

4. The Clerk-Treasurer is hereby authorized and directed to cause notice of said hearing to be given two publications in the official newspaper. Said publications shall be one week apart, and at least three days shall elapse between the last publication and the hearing. Not less than ten days before the hearing the Clerk-Treasurer shall mail notice of the hearing to the owner of each parcel of land within the area proposed to be assessed as described in the notice. For the purpose of giving such mailed notice, owners shall be those shown to be such on the records of the County Auditor or, if the tax statements in the County are mailed by the County Treasurer, on the records of the County Treasurer. As to properties not listed on the records of the County Auditor or the County Treasurer, the Clerk-Treasurer shall ascertain such ownership by any practicable means and give mailed notice to such owners.

Dated this 20th day of June, 2011.

/s/ Frank Yanish

MAYOR

/s/ Michael Schmit

Attest: CITY ADMINISTRATOR

Staff also presented an Improvement Report for various streets to be added to the current contract for Project No. 1101 with Duinick Inc. by means of a change order and known as Project No. 1101-12. These streets are being added as they are deemed beyond patching repair and are detailed in the Improvement Report for a total estimated cost of \$499,644.18 and assessable cost of \$283,660.40.

The Committee was recommending the Council receive the Preliminary Report for Project No. 1101-12 and order an Improvement Hearing for July 5, 2011 at 7:06 p.m. Resolution No. 7 was introduced by Council Member Christianson, seconded by Council Member Johnson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 7

RECEIVING PRELIMINARY REPORT AND CALLING PUBLIC HEARING ON 12TH STREET SW IMPROVEMENT PROJECT NO. 1112

WHEREAS:

1. The City Council deems it necessary and expedient that the City of Willmar, Minnesota, construct certain improvements to-wit: grading, gravel base, bituminous paving, curb and gutter, turf establishment, sidewalk, service lines, storm sewer, and water main, in the City as described in and in accordance with the preliminary plans and report prepared by the City Engineer.

2. The Council has been advised by the City Engineer that said 12th Street SW Improvement Project No. 1112 contained in the Preliminary Report are feasible and should best be made as proposed, and the City Engineer's report to this effect has heretofore been received by the Council, and filed with the Clerk-Treasurer; and

3. The statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in

the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof and the area proposed to be assessed, in accordance with the law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. A public hearing will be held at the time and place set forth in the Notice of Hearing hereto attached (on file in the CITY ADMINISTRATOR's Office) to consider said proposed improvements.
2. The nature of the improvements, the estimated cost of each major portion thereof, and the areas proposed to be assessed therefore are described in the form of Notice of Hearing hereto attached.
3. The notice of said public hearing shall be in substantially the form contained in the notice hereto attached.
4. The Clerk-Treasurer is hereby authorized and directed to cause notice of said hearing to be given two publications in the official newspaper. Said publications shall be one week apart, and at least three days shall elapse between the last publication and the hearing. Not less than ten days before the hearing the Clerk-Treasurer shall mail notice of the hearing to the owner of each parcel of land within the area proposed to be assessed as described in the notice. For the purpose of giving such mailed notice, owners shall be those shown to be such on the records of the County Auditor or, if the tax statements in the County are mailed by the County Treasurer, on the records of the County Treasurer. As to properties not listed on the records of the County Auditor or the County Treasurer, the Clerk-Treasurer shall ascertain such ownership by any practicable means and give mailed notice to such owners.

Dated this 20th day of June, 2011.

/s/ Frank Yanish

MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Item No. 3 Staff presented to the Committee information relating to needed repairs for the decontamination trailer housed by the Fire Department. The Department is requesting permission to proceed with the repairs totaling \$10,600.00 to be completed by Pro-Tainer. The costs are eligible for reimbursement to the City through a grant process with Homeland Security Emergency Management. Staff requested permission to proceed with the repairs, apply for and accept the grant dollars. No local dollars will be required.

The Committee was recommending the Council grant permission to repair the trailer with City funds and apply for and accept grant money for all costs incurred through Homeland Security. Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 8

BE IT RESOLVED, by the City Council of the City of Willmar to proceed with repairs to the State Decontamination trailer as outlined in an agreement with Homeland Security Emergency Management (HSEM);

BE IT FURTHER RESOLVED, to support the application, acceptance of and expenditure of HSEM

grant dollars for reimbursement of said repairs, not to exceed \$10,600 and to adjust the Fire Department budget accordingly.

Dated this 20th day of June, 2011.

/s/ Frank Yanish

MAYOR

/s/ Michael Schmit

Attest: CITY ADMINISTRATOR

Item No. 4 Staff presented to the Committee a request to accept a \$1,000 donation from Pioneer Hi-Bred Foundation for use by the City's Fire Department in support of the purchase of a Grain Bin Rescue Tube. The cost of the tube is \$961.88.

The Committee was recommending the Council accept the donation as presented and adjust the Fire Department's Budget accordingly to be used toward the purchase of a Grain Bin Rescue Tube and acknowledge its receipt by letter. Resolution No. 9 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 9

WHEREAS, Pioneer Hi-Bred Foundation has given a donation of \$1,000 to the Willmar Fire Department for the purchase of grain bin rescue tubes,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar to accept the \$1,000 donation and that the City Administrator be directed to express the community's appreciation.

Dated this 20th day of June, 2011.

/s/ Frank Yanish

MAYOR

/s/ Michael Schmit

Attest: CITY ADMINISTRATOR

Item No. 5 Staff presented a scope of services from Donohue and Associates for preliminary design of a sanitary sewer collector pipe that would collect the wastewater from the proposed future sewer service area of current businesses along County Road 55 on the west side of the City for a not-to-exceed figure of \$5,280.00. Existing businesses in the area have expressed an interest for the project that would connect to the proposed Western Interceptor Sewer project. Donohue's proposal includes three alignments and preparation of cost estimates.

The Committee was recommending the Council approve the agreement for engineering services as presented and authorize the City Administrator to sign on behalf of the City. Resolution No. 10 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 10

Whereas the City of Willmar desires to retain a firm to provide engineering services for preliminary design of a sanitary sewer collector pipe for the proposed future sewer service area along County Road 55 on the west side of the City; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Donohue and Associates of Willmar, Minnesota in a not to exceed amount of \$5,280.00 for said services;

Now therefore be it resolved by the City Council of the City of Willmar that said agreement be approved and that City Administrator be authorized to execute the same.

Dated this 20th day of June, 2011.

/s/ Frank Yanish

MAYOR

/s/ Michael Schmit

Attest: CITY ADMINISTRATOR

Item No. 6 A proposal for a Flood Risk Assessment Feasibility Study prepared by Barr Engineering was presented to the Committee for discussion. The study would address key mitigation strategies for some of the key flooding areas identified within the City's draft Watershed Management Plan. The total cost of the study is \$88,040.00.

The Committee was recommending the Council refer the proposal for a Flood Risk Assessment Feasibility Study to the Storm Water Task Force for recommendation. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Dokken seconding the motion, which carried.

Item No. 7 Police Chief Wyffels presented an agreement with the Bureau of Criminal Apprehension (BCA) to continue access to State criminal justice data maintained by the BCA. City Attorney Ronning reviewed the information and expressed concern regarding section 2.11, the requirement for maintaining records for auditing purposes. Chief Wyffels consulted with the Kandiyohi County Sheriff's Department and determined adequate records to meet the auditing requirements have been in place for years. The agreement is necessary to continue the service of the Police Department's ability to check driver's licenses, vehicle registration or perform criminal history checks and submittal of accident reports to the State of Minnesota.

The Committee was recommending the Council approve the joint powers agreement and authorize the Mayor and City Administrator to execute it on behalf of the City. Resolution No. 11 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 11

RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENT WITH THE CITY OF WILLMAR ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT

WHEREAS, the City of Willmar on behalf of its Prosecuting Attorney and Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of

Willmar on behalf of its Prosecuting Attorney and Police Department, are hereby approved. Copies of the 2 Joint Powers Agreements are attached to this Resolution and made a part of it.

2. That City Administrator Michael Schmit, or his or her successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State

To assist the Authorized Representative with the administration of the agreement, Chief of Police David Wyffels is appointed as the Authorized Representative's designee

3. That City Administrator Michael Schmit, or his or her successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, City Attorney Richard Ronning is appointed as the Authorized Representative's designee.

4. That Frank Yanish, the Mayor for the City, and Kevin Halliday, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Dated this 20th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Item No. 8 The Committee considered a request to accept a \$750.00 donation from Divine House in honor of a Willmar Police Officer performing successful CPR on a Divine House resident. It is their request that the money be used to purchase a bulletproof vest.

The Committee was recommending the Council accept the donation of \$750.00 to be placed in the Police Department's Budget for purchasing a bulletproof vest and acknowledge its receipt by letter. Resolution No. 12 was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 12

WHEREAS, the City of Willmar has received a donation of \$750.00 from Divine House, Inc. to be used towards the purchase of a bulletproof vest for the Police Department;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Willmar to accept the donation from Divine House, Inc. and that the City Administrator be directed to express the community's appreciation.

Dated this 20th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 9 The Committee was updated on Project No. 0813-D3, the Southern Interceptor from the BNSF Railroad to 5th Street SE and existing WWTF, which was substantially complete in June 2010. The settlements and agreements have been recently completed between the landowners and the City, including conditions that involve lowering selected manholes. This work will be completed by the current contractor at no cost for the release of no additional claims, warranty and repairs related to this contract. It is Donohue's recommendation to accept a zero cost change order.

The Committee was recommending the Council approve the work associated with Change Order No. 6 for Project No. 0813-D3 and authorize the City Administrator to execute on behalf of the City. Resolution No. 13 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 13

WHEREAS, the City of Willmar entered into Contract No. 0813-D3 with S.R. Weidema, Inc. for the construction of Southern Interceptor (From BNSF RR to 5th St. SE & at Existing WWTF); and

WHEREAS, Change Order No. 1 increasing the contract amount by \$15,882.08, Change Order No. 2 decreasing the contract amount by \$50,000.00, Change Order No. 3 increasing the contract amount by \$5,695.00, Change Order No. 4 increasing the contract amount by \$290,750.50, and Change Order No. 5 increasing the amount by \$15,880.38 have been previously authorized; and

WHEREAS, settlements and agreements have been completed with landowners and the City of Willmar relating to this project; and

WHEREAS, the settlements and agreements have conditions that involve lowering selected manholes; and

WHEREAS, this work will be completed by the current contractor at no cost for the release of no additional claims, warranty, and repairs related to this contract; and

WHEREAS, upon successful completion of lowering the manholes, the City will make final payment and release all money held in escrow; and

WHEREAS, it is recommended to approve the work associated with Change Order No. 6.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 6 be approved; as a result, the contract amount will remain at \$6,579,050.36 with a zero dollar change order for Project 0813-D3 Southern Interceptor (From BNSF RR to 5th St. SE & at Existing WWTF)).

Dated this 20th day of June, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No 10 Staff informed the Committee that Project No. 0814-D4, the Southern Interceptor, Forcemain and Outfall from the new WWTF to BNSF Railroad, which was substantially complete in June 2010. The settlements and agreements have been recently completed between

landowners and the City, including conditions that involve lowering selected manholes. This work will be completed by the current contractor at no cost for the release of no additional claims, warranty and repairs related to this contract. It is Donohue's recommendation to accept a zero cost change order.

The Committee was recommending the Council approve the work associated with Change Order No. 3 for Project No. 0814-D4 and authorize the City Administrator to execute on behalf of the City. Resolution No. 14 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

Resolution No. 14

WHEREAS, the City of Willmar entered into Contract No. 0814-D4 with S. R. Weidema, Inc. for the construction of Southern Interceptor, Forcemain and Outfall (from the new WWTF to the BNSF railroad);

WHEREAS, Change Order No. 1 increasing the contract amount by \$7,097.60 and Change Order No. 2 increasing the contract amount by \$38,788.18 have been previously authorized; and

WHEREAS, settlements and agreements have been completed with landowners and the City of Willmar relating to this project; and

WHEREAS, the settlements and agreements have conditions that involve lowering selected manholes; and

WHEREAS, this work will be completed by the current contractor at no cost for the release of no additional claims, warranty, and repairs related to this contract; and

WHEREAS, upon successful completion of lowering the manholes, the City will make final payment and release all money held in escrow.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 3 be approved; as a result, the contract amount will remain at \$6,315,425.03 with a zero dollar change order for Project 0814-D4 Southern Interceptor, Forcemain and Outfall (from the new WWTF to the BNSF Railroad).

Dated this 20th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 11 The Committee was informed by Staff the program budget for Project No. 0812-C includes \$26,000.00 for direct purchases relating to the new WWTF. Three additional items have been identified for direct purchase and requested at this time. The first being roof access to six buildings with exterior ladders, which is necessary for safety and ease of maintenance at a cost not to exceed \$46,000.00. Water conditioning equipment that is necessary for a reduction of iron to prevent further staining of glassware, lab equipment, etc. at an additional equipment cost of \$7,950.00.

Lastly, an aboveground storage tank biosolids transfer valve to allow for the transfer of biosolids from one aboveground storage tank to another. The purchase and installation cost for the transfer valve is \$5,892.00. Currently there is \$9,456.01 available for direct purchases. Donohue and City Staff are recommending that \$50,386.00 be transferred to cover the cost of the additional purchases.

The Committee was recommending the Council authorize the direct purchases for Project 0812-C in the amount of \$59,842.00, transfer \$50,386.00 from other services to other charges, and authorize the City Administrator to execute on behalf of the City. Resolution No. 15 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 15

WHEREAS, the Program Budget for Project 0812-C Wastewater Treatment Facility includes \$260,000 for City of Willmar direct purchases relating to the project; and

WHEREAS, a balance of \$9,456.01 remains for direct purchases; and

WHEREAS, it is necessary to transfer additional funds from other services to direct purchases; and

WHEREAS, roof access is necessary for employee safety, ease of maintenance, and better accessibility to the roof for private contractors; and

WHEREAS, the amount of \$46,000 will provide fabrication and installation of ladders with intermediate platforms to provide necessary roof access and will cover associated city building inspection fees; and

WHEREAS, water sampling has indicated iron is present at a level of 1.5 ppm and further conditioning equipment is recommended for levels greater than 0.2 ppm; and

WHEREAS, the amount of \$7,950 will provide additional water conditioning equipment; and

WHEREAS, an above-ground storage tank biosolids transfer valve would allow for the transfer of biosolids from one above-ground storage tank to another; and

WHEREAS, the amount of \$5,892 will purchase and install the transfer valve; and

WHEREAS, these costs have been reviewed by City Staff.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that these direct purchases in the amount of \$59,842 be approved.

BE IT FURTHER RESOLVED that \$50,386 be transferred from Budget Item Other Services to Budget Item Other Charges for direct purchases for Project 0812-C Wastewater Treatment Facility.

Dated this 20th day of June, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 12 Staff informed the Committee that during startup and decommissioning of the new WWTF there were items discovered that required corrective action. Modifications to one industrial blower sheave were previously made to decrease air flow in the industrial selector contributing to \$15,000.00 in energy savings per year. Changes to a second industrial blower sheave are now being

recommended to further decrease air flow resulting in additional energy savings. The cost for this is \$1,398.20. Modifications to the control sampler to control with a spare dry contact from each of the PLC's rather than using an analog signal, thickened waste activated sludge changes to display and control pounds usage for each belt thickener at a cost of \$2,992.50. These combined changes result in an increase of the contract price of \$4,390.70.

The Committee was recommending the Council approve work associated with Change Order No. 8 for Project No. 0812-C and authorize the City Administrator to execute on behalf of the City. Resolution No. 16 was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 16

WHEREAS, the City of Willmar entered into Contract No. 0812-C with Graham Construction Services, Inc. for the construction of a new Wastewater Treatment Facility (WWTF); and

WHEREAS, Change Order No. 1 and Change Order No. 2 decreasing the amount by \$397,788 and \$10,000 respectively; Change Order No. 3 resulting in a no cost change; Change Order No. 4, Change Order No. 5, Change Order No. 6, and Change Order No. 7 increasing the amount by \$12,321.47; \$4,264; \$91,540.28; and \$40,438.36 respectively have been previously authorized; and

WHEREAS, items were identified during startup and commissioning of the new Wastewater Treatment Facility that required corrective action; and

WHEREAS, modifications to one industrial blower sheave were previously made to decrease air flow in the Industrial Selector and contribute to \$15,000 in energy savings per year; and

WHEREAS, changes to the second industrial blower sheave are now being recommended to further decrease air flow resulting in additional energy savings; and

WHEREAS, modifications are being recommended to the control sampler to control with a spare dry contact from each of the PLCs rather than using an analog signal, Thickened Waste Activated Sludge (TWAS) changes to display and control pounds usage for each belt thickener, and possible generator changes to verify that everything runs correctly between the generator programming and process control system; and

WHEREAS, it is recommended to approve the changes and the cost associated with Change Order No. 8.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Change Order No. 8 be approved, as a result, the contract amount will be increased by \$4,390.70 for a revised contract amount of \$48,855,919.57 for Project 0812-C Wastewater Treatment Facility.

Dated this 20th day of June, 2011.

/s/ Frank Yanish

MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 13 Staff informed the Council that the contract for engineering services with Donohue and Associates is under consideration for revision to include the addition of the air permit assessment, additional printing costs for PDF's and AutoCAD files for all projects within the program, adjustments to task contract amounts and the extension of the contract date for purposes of finalizing the Minnesota Pollution Control Agency final certification of the Operations and Maintenance Manual.

The air permit assessment ensures that the WWTF complies with State and Federal air permitting regulations for an amount of \$17,490.00. The cost to prepare the air permit application is \$1,650.00 for a total cost of \$19,140.00. The City has requested additional printing of the project records drawings, PDF's and Auto CAD files for an additional cost of \$5,552.50. These combined increase the contract cost by \$24,692.50. It was staff's recommendation to revise the contract with Donohue accordingly and reallocate the budget to reflect the costs.

The Committee was recommending the Council revise the engineering services agreement and the budget allocations among the four construction phase tasks to reflect the cost of the air assessment agreement, printing and the change of work provided. Extend the contract date from September 1, 2011 to November 30, 2011.

Resolution No. 17 was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 5, Noes 1 – Council Member Ahmann voted "No."

RESOLUTION NO. 17

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to reflect the addition of the air permit assessment, additional printing costs for PDFs and AutoCad files for all projects within the Program, the adjustments to the current task contract amounts, and the extension of the contract date to November 30, 2011. This contract was originally entered into by Council action on August 18, 2008, and was previously amended on October 5, 2009, and December 21, 2009.

BE IT FURTHER RESOLVED, the completion date is revised to November 30, 2011.

BE IT FURTHER RESOLVED, the contract is hereby amended as follows:

<u>Task</u>	<u>Current Amount</u>	<u>Change</u>	<u>Revised Amount</u>
Program Management and Bidding	\$1,482,260.00	\$60,665.00	\$1,542,925.00
Construction-Related Engineering Services	3,251,331.00	5,552.50	3,256,883.50
O&M Manual, Start-up and Training	424,240.00	0.00	424,240.00
Inspection Allowance	<u>41,525.00</u>	<u>(41,525.00)</u>	<u>0.00</u>
TOTAL	\$5,199,356.00	\$24,692.50	\$5,224,048.50

Dated this 20th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 14 Staff presented to the Committee a Consent to Lease to be signed by the City as joint owner acknowledging the lease agreement between Pioneerland Library System and Kandiyohi County for a term of five years with a three percent COLA rent increase each year. The Committee was recommending the Council authorize the Mayor and City Administrator to sign the consent to lease.

Resolution No. 18 was introduced by Council Member Christianson, seconded by Council Member Anderson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 18

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to execute a Consent to Lease Agreement between Kandiyohi County and the Pioneerland Library System.

Dated this 20th day of June, 2011.

/s/ Frank Yanish

MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

The Public Works/Safety Committee Report for June 14, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Fagerlie, and carried.

The Community Development Committee Report for June 16, 2011, was presented to the Mayor and Council by Council Member Dokken. There were nine items for Council consideration.

Item No. 1 There were no public comments offered at this meeting.

Item No. 2 The Committee continued discussion of a future community clean-up effort. Contact has been made with Jena Hillenbrand, Q102, regarding a clean-up effort they were planning. They had led such an effort three years ago, focusing on recycling. The Committee discussed how to partner with the radio station in conducting a joint clean-up effort to add garbage/waste collection to the program.

The Committee was recommending to the Council that Staff be directed to coordinate a community clean-up effort with Jena Hillenbrand of Q102. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Christianson seconding the motion, which carried.

Item No. 3 The Committee continued discussion of a possible ordinance to deal with the exterior maintenance of commercial property. Staff followed up on the previous directive given by the Council and recommended separating the commercial exterior maintenance ordinance from any fire inspection efforts. Staff offered to draft an ordinance for exterior maintenance of commercial buildings.

The Committee discussed the pros and cons of having exterior commercial inspection standards separate from Fire Code standards. Staff said it had to do primarily with the responsibilities placed upon inspection staff by the Fire Code in citing and enforcing any and all violations noted in the course of inspections. It was suggested that the Fire Chief provide more information relative to Fire Code authority and inspection programs at a future Public Works/Public Safety Committee meeting.

The Committee was recommending to the Council that Staff be directed to prepare a draft ordinance for the exterior maintenance of commercial structures and to bring it back to the Committee for discussion. Following discussion, Council Member Dokken moved to approve the recommendation of the Community Development Committee, with Council Member Christenson seconding the motion, which carried.

Item No. 4 The Committee discussed a meeting held regarding changes to the 16-bed mental health facility on Southeast Olena Avenue. Care at the facility has changed from acute, lock-down care to sub-acute care with privileges to leave the facility. The change in use was not communicated to the City or area residents. State representatives have indicated that efforts will be made to improve communication. It was noted that the facility may see another change in use in the near future depending on the outcome of the State budget. The current facility could be closed and the facility could be reopened as an adolescent lock-down unit caring for the people currently at the Willmar Regional Treatment Center. An amendment to the current conditional use permit is on hold pending the anticipated change in use. This matter was for information only.

Item No. 5 The Committee discussed a proposal by the Willmar Design Center to hire a consultant to do a parking ramp study to include feasibility, location options, and financing options. The current proposal is for Rice Memorial Hospital to fund one-half of the study cost, with the EDC funding the other one-half. Noting opposition to that idea by their constituents, it was mentioned that the County office relocation has reduced parking demand in the central business district. Council Member Ahmann advocated planning for a future ramp, but asked for private sector financial involvement in the process.

It was a consensus of the Committee that it would be worthwhile to have an understanding of parking demand and needs in the Central Business District, but they were unconvinced that a full-blown ramp study was warranted at this time. Mayor Yanish stated that he was opposed to the study because there was no demonstrated demand, the cost of the study was too high, and it is all public monies being used to fund the study.

The Committee was recommending to the Council that the City convey to the EDC Operations Board that a parking ramp study not be conducted with only public monies. Council Member Dokken moved to approve the recommendation of the Community Development Committee. Council Member Christianson seconded the motion. Following discussion, Council Member Christianson moved to amend the motion by striking "only" and replace it with "any." Council Member Johnson seconded the motion, which carried on a roll call vote of Ayes 5, Noes 1 – Council Member Ahmann voted "No." The original motion, as amended, then carried.

Item No. 6 The Committee was informed by Staff that the DEED grant had been fully executed for the construction of the Mid-Central Research and Outreach Center at Minn West Technology Campus. Also, that several new businesses have recently located on the campus.

The Committee discussed several recent Planning Commission matters including a new dental clinic on 19th Avenue, strip center development near Wal-Mart, Lu Lu Bean's expansion, and the upcoming public meeting and Planning Commission hearing to discuss and consider a Trails and Pedestrian Plan. This matter was for information only.

Item No. 7 The Committee discussed the recently completed architect's study of the former airport terminal complex. The high cost of making repairs to the terminal building for several different potential uses was noted. It was a consensus of the Committee that the level of investment required to rehab the structure could not be justified given the high costs that would need to be passed on to a buyer or tenant for the building when completed, as the rehab costs far exceed market value.

Staff informed the Committee that they had been working on a position statement for the FAA and the SHPO. It is the City's responsibility to draft a position statement for the most reasonable and prudent use of the complex and to use that as the basis of the argument regarding the future use of the site. Staff had met earlier and had prepared such a proposal. It was suggested that the City's position be that the terminal and paved ramp area should be demolished in their entirety. Secondly, the City would propose that the Rice hangar be rehabilitated. Within the rehabilitated hangar, a historical display could be developed recognizing the Rice family contribution to aviation, as well as the history of the former airport. It was suggested that this be done in conjunction with the County Historical Society and the Preservation Alliance of Minnesota. The proposal would also include preservation and maintenance of the former signal beacon, as well as the maintenance of an area for parking and access to the former Rice hangar. Staff noted that this action would require a re-plat of the larger lot to separate the Rice hangar from the marketable industrial land.

The Committee was recommending to the Council that Staff be directed to carry the reasonable and prudent position statement to the FAA and SHPO on behalf of the Council. Council Member Dokken moved to approve the recommendation of the Community Development Committee with Council Member Christianson seconding the motion, which carried.

Item No. 8 Mayor Yanish informed the Committee of a conversation with Chief Wyffels regarding police calls to the Westwind development. The number of calls was reviewed and it was noted that the number was considerably less than the number of calls for service in the mobile home parks. This matter was for information only.

Item No. 9 Council Member DeBlieck asked to have representatives of the Little Crow Ski Team appear at the June 30, 2011, meeting to discuss rumors of ski team use of Foot Lake. Staff was asked to try to make contact with representatives of the team and request their attendance. It was noted that the Ski Team would be meeting with Minnesota DNR representatives.

The Community Development Committee Report for June 16, 2011, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Ahmann, and carried.

Public Works Director Wilson informed the Mayor and Council that bids were opened on June 16, 2011, for Project No. 1103 Miscellaneous Street Repairs. Staff was recommending the Council approve the low bid Monson Corporation. Following discussion, Resolution No. 19 was introduced by Council Member Christianson, seconded by Council Member Anderson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 19

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Monson Corporation of Willmar, Minnesota for Project No. 1103 the 2011 Street Repair Improvements is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$314,460.00.

Dated this 20th day of June, 2011.

/s/ Frank Yanish
MAYOR

/s/ Michael Schmit
Attest: CITY ADMINISTRATOR

Announcements for Council Committee meeting dates were as follows: Public Works/Safety, June 28; and Community Development, June 30, 2011.

The Mayor and Council discussed the Willmar Fests activities planned for June 22, through 26, 2011.

Council Member Ahmann reported on the Harvest Community Church food distribution program.

There being no further business to come before the Council, the meeting adjourned at 9:07 p.m. upon motion by Council Member Anderson, seconded by Council Member Ahmann, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL